

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 9247 of 1995

Between:

- 1 Rockhard Building Materials Ltd. rep. by M.D., Mr. Sah Naqui
Regd. Off: 5-9-30/5-602, 6th Floor, Paigah Plaza, Basheer Bagh,
Hyderabad
- 2 Mr. Sah Naqui S/o Mr. Syed Hussain Naqui
R/o 16-2-740/A/1, Andhra Bank Colony,
Malakpet, Hyderabad

..... PETITIONER(S)

AND

- 1 Govt. of A.P. rep. by Principal secretary
Industries & Commerce (Mines-I) Dept, Secretariat, Hyderabad, A.P.
- 2 The Director of Mines & Geology
Govt. of A.P. Hyderabad
- 3 The Asst. Director, Mines & Geology,
Govt. of A.P., Mahaboobnagar

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, declaring the action of the respondent in issuing Demand Notice No.713/M1/87 dt: 13-4-1995 calling upon the petitioner to pay Surface Rights Tax of Rs.70,700/- as highly arbitrary, illegal, unjust, without jurisdiction, violative of the Fundamental and the Constitutional Rights guaranteed to the petitioner No.2 and also the other shareholders of the 1st petitioner herein under Arts. 14, 19 (1)(g) and 300-A of the Constitution of India and also contrary to the Mines and Minerals (Regulation & Development) Act, 1957 and the Mineral Concession Rules, 1960 and issue a consequential direction to the respondents not to insist on payment of the said amount, and further direct the respondents to refund the amount that was paid by the petitioners towards Surface Rights Tax for the years

1987-1989

Counsel for the Petitioner:MR.S.SRINIVASA REDDY,Advocate

Counsel for the Respondent No.: GP FOR INDUSTRIES & COMMERCE

The Court made the following ORDER:

This Writ Petition is filed seeking Writ of Mandamus, to declare Demand Notice No.713/M1/87, dated 13-4-1995, calling upon the petitioners to pay Surface Rights Tax of Rs.70,700/-, as illegal and arbitrary.

It is submitted by the learned Counsel for the petitioners and the learned Government Pleader appearing for the respondents that the subject matter of this Writ Petition is covered to be allowed in terms of the Judgment of this Court in Writ Petition No. 19245 of 1987, dated 04-04-1994.

Following the judgment referred to above, the Writ Petition is allowed in terms thereof. No order as to costs.

February 10,2005.

Msnr.

The Rule Nisi has been made absolute as above. Witness the Honourable Sri Devinder Gupta, the Chief Justice on this Thursday the Tenth day of February, Two thousand and five.

To

- 1 Govt. of A.P. rep. by Principal secretary
Industries & Commerce (Mines-I) Dept, Secretariat, Hyderabad,
- 2 The Director of Mines & Geology
Govt. of A.P. Hyderabad
- 3 The Asst. Director, Mines & Geology,
Govt. of A.P., Mahaboobnagar.

4. Two ccs to the Govt. Pleader for Industries & Commerce, High Court of AP, Hyderabad (OUT)

5. Two CD copies.